

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VC HEALTHY LIVING, INC., VIVEK
CHAUDHARY, and CHRISTINA
CHAUDHARY,

Petitioners,

-v.-

ILKB, LLC,

Respondent.

22 Civ. 5549 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

This case has been reassigned to this Court for all purposes. On June 29, 2022, Petitioners filed a petition to confirm and enforce an arbitration award. ECF No. 1 (“Petition”). Despite being served with the Petition, Respondent has not responded and appears to be in default. *See* ECF No. 10 (Clerk’s Certificate of Default). On September 22, 2022, Petitioners moved for a default judgment. ECF No. 11. However, “default judgments in confirmation/vacatur proceedings are generally inappropriate.” *D.H. Blair & Co., Inc. v. Gottdiener*, 462 F.3d 95, 109 (2d Cir. 2006); *see also Trustees of the N.Y.C. Dist. Council of Carpenters Pension Fund v. Harbor Island Contracting Inc.*, No. 14-CV-9507 (AJN), 2015 WL 5146093, at *3 (S.D.N.Y. Aug. 31, 2015) (noting that “default judgment motions in an action to confirm an arbitration award are . . . inappropriate”); *Trustees of the N.Y.C. Dist. Council of Carpenters Pension Fund, Welfare Fund, Annuity Fund, & Apprenticeship Journeyman Retraining, Educ. & Indus. Fund v. Innovative Furniture Installations, Inc.*, No. 14-CV-2508 (ER), 2015 WL 1600077, at *2 (S.D.N.Y. Apr. 9, 2015) (same). Accordingly, the Court will “treat an unanswered . . . petition to [confirm] as an unopposed motion for summary judgment.” *D.H. Blair*, 462 F.3d at 110.


By **July 27, 2023**, Petitioners shall file and serve Respondent with any additional materials in support of the Petition. By **August 10, 2023**, Respondent shall file an opposition, if any. By **August 17, 2023**, Petitioners shall file a reply.

Petitioners shall promptly serve Respondent with a copy of this Order and file an affidavit of service. By **July 31, 2023**, Petitioners shall file an affidavit of service of any additional materials filed in support of the Petition.

The Clerk of Court is directed to terminate the motion for default judgment at ECF No. 11.

SO ORDERED.

Dated: July 13, 2023
New York, New York



JENNIFER H. REARDEN
United States District Judge